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09/829,643

REMARKS

In the Final Action, the Examiner rejected the claims over the Randal patent and the Franklin and TVDB publications. Neither the patent nor either of the publications is concerned with increasing the proficiency of a batter. While Randal does have a ball and a bat like that of the present invention, there is nothing in the patent to suggest a method for improving the proficiency of a batter. The publications have to do with improving the proficiency of a pitcher.

The present invention is for a method of improving the abilities of a batter. The steps are specific and, contrary to the assertions of the Examiner, there is no suggestion anywhere of such a method. The Examiner refers to col. 2, lines 23-26, of Randal, stating "wherein such steps enables the batter to attempt to identify standard pitches associated with arm movements". What the patent actually states in those lines is "My improved projectile may be batted with an ordinary baseball bat, but I find this is usually too heavy, and I prefer to use a special 'stick', advantageously not over one inch in diameter and from two to three feet long". The undersigned believes that further explanation is required to demonstrate how one gets from col. 2 to the quote of the Examiner.

Independent claim 24 has been amended to further clarify and emphasise this aspect of the claimed invention.

It is not seen how it is possible to combine the teachings of references lacking a critical feature of the present invention and obtain a method not found or suggested anywhere. It is only the teachings in this application which make it possible to come up with such a conclusion.

As pointed out in the remarks of an earlier amendment, in apparatus claims, the purpose or function of the structure may not be significant, but in method claims function is of great importance, and that is what is being ignored in the rejection, in the opinion of the undersigned.

During an interview held with the Examiner regarding this application, the undersigned requested that a personal interview be held with a supervisor. The supervisor indicated that a personal interview with him at that time was not appropriate, but said that in the event of a final action, he would agree to such an interview. In view of the final action having been issued and an

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RCE being filed, in the event the Examiner does not allow the application, it is believed that the time for such an interview would now be appropriate, and such is hereby requested.

The Examiner is requested to call the undersigned or Mr. Kroll if any changes are required to obtain allowance of this application.

A favourable action is solicited.

Respectfully submitted,



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